

1 ARIZONA DEPARTMENT OF FINANCIAL INSTITUTIONS

2 In the Matter of the Mortgage Broker License of:

No. 10F-BD068-SBD

3 **FIRST AMERICAN MORTGAGE**
4 **COMPANY and MARVIN B. JACKSON,**
5 **PRESIDENT**

3235 E. Camelback, Suite 121
Phoenix, AZ 85018

**ORDER OF SUMMARY SUSPENSION
AND NOTICE OF OPPORTUNITY FOR
HEARING**


6 Respondents.

7 The Arizona Department of Financial Institutions (the "Department") hereby finds that First
8 American Mortgage Company and Marvin B. Jackson, President, ("Respondents") have violated the
9 provisions of the Arizona Revised Statutes ("A.R.S."), Title 6 as set forth below and finds that the
10 public health, safety and welfare require emergency action pursuant to A.R.S. §§ 6-905 and 41-
11 1092.11(B).

12 **THEREFORE, IT IS ORDERED** to summarily suspend the Arizona mortgage broker
13 license held by Respondents. **This suspension is effective immediately.**

14 EFFECTIVE this 8th day of December, 2009.

15 Thomas L. Wood
16 Acting Superintendent of Financial Institutions

17
18 By 
19 Robert D. Charlton
Assistant Superintendent of Financial Institutions

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21 PLEASE TAKE NOTICE that, pursuant to Titles 6 and 41 of the Arizona Revised Statutes
22 and Title 20, Chapter 4 of the Arizona Administrative Code ("A.A.C."), Respondents are hereby
23 notified that they are entitled to a hearing to contest the allegations set forth in this Order. The
24 Request for Hearing shall be filed with the Arizona Department of Financial Institutions (the
25 "Department") pursuant to A.R.S. § 6-137(D) within **thirty (30) days** of service of this Order and
26

1 shall identify with specificity the action or order for which review is sought in accordance with
2 A.R.S. § 41-1092.03(B).

3 Pursuant to A.R.S. §§ 41-1092.01(D) and 41-1092.03(B), any person may appear on his or
4 her own behalf or by counsel. If Respondents are represented by counsel, the information required
5 by A.R.S. § 41-1092.03(B) shall be included in the Request for Hearing. Upon the filing of a
6 Request for Hearing, the Department shall issue a Notice of Hearing scheduling the matter for
7 hearing in accordance with A.R.S. § 41-1092.05. **Persons with disabilities may request**
8 **reasonable accommodations such as interpreters, alternative formats, or assistance with**
9 **physical accessibility.** Requests for special accommodations must be made as early as possible to
10 allow time to arrange the accommodations. If accommodations are required, call the Office of
11 Administrative Hearings at (602) 542-9826.

12 Respondents have the right to request an Informal Settlement Conference, pursuant to A.R.S.
13 § 41-1092.06, by filing a written request no later than **twenty (20) days** before the scheduled
14 hearing. The conference will be held within **fifteen (15) days** after receipt of your request. If an
15 Informal Settlement Conference is requested, a person with the authority to act on behalf of the
16 Department will be present (the "Department Representative"). Please note that in requesting an
17 Informal Settlement Conference, Respondents waive any right to object to the participation of the
18 Department Representative in the final administrative decision of this matter, if it is not settled. In
19 addition, any written or oral statement made by Respondents at such informal settlement conference,
20 including written documentation created or expressed solely for purposes of settlement negotiations,
21 are inadmissible in any subsequent administrative hearing. (See A.R.S. § 41-1092.06 for rules
22 regarding informal settlement conferences.) Conversely, any written or oral statement made by
23 Respondents outside an Informal Settlement Conference is not barred from being admitted by the
24 Department in any subsequent hearing.

25 If Respondents do not request a hearing, this Order shall become final. If Respondents
26 request a hearing, the purpose of the hearing shall be to determine if grounds exist for: (1) the

1 issuance of an order pursuant to A.R.S. § 6-137 directing Respondents to cease and desist from the
2 violative conduct and to take the appropriate affirmative actions, within a reasonable period of time
3 prescribed by the Superintendent, to correct the conditions resulting from the unlawful acts,
4 practices, and transactions; (2) the imposition of a civil monetary penalty pursuant to A.R.S. § 6-
5 132; (3) the suspension or revocation of Respondents' license pursuant to A.R.S. § 6-905; (4) an
6 order to pay restitution of any fees earned on loans made in violation of A.R.S. § 6-901, *et seq.*,
7 pursuant to A.R.S. §§ 6-131(A)(3) and 6-137; and (5) an order or any other remedy necessary or
8 proper for the enforcement of statutes and rules regulating mortgage brokers pursuant to A.R.S. §§
9 6-123 and 6-131.

10 FINDINGS

11 1. Respondent First American Mortgage Company ("FAMC"), is an Arizona corporation
12 authorized to transact business in Arizona as a mortgage broker, license number MB 0013290,
13 within the meaning of A.R.S. §§ 6-901, *et seq.* The nature of FAMC's business is that of making,
14 negotiating, or offering to make or negotiate loans secured by Arizona real property, within the
15 meaning of A.R.S. § 6-901(11).

16 2. Respondent Marvin B. Jackson ("Mr. Jackson") is 100 percent (100%) owner,
17 President and Responsible Individual of FAMC. Mr. Jackson is authorized to transact business in
18 Arizona as a mortgage broker within the meaning of A.R.S. § 6-903(H).

19 3. Pursuant to A.R.S. § 6-903(J), Respondents are required to have a surety bond in the
20 amount set forth in A.R.S. § 6-903(K), or an alternative as set forth in A.R.S. § 6-903(M).

21 4. On September 28, 2009, the Department received notification from CAN Surety
22 stating that FAMC's surety bond, number 800786276 in the amount of \$15,000.00, is to be cancelled
23 effective November 4, 2009.

24 5. On September 30, 2009, the Department sent a letter to Respondents, to the address
25 on record with the Department, via certified mail, informing them of the bond cancellation. On
26 October 5, 2009, the Department received documentation that the letter was received by the

1 Respondents.

2 6. Respondents failed to provide documentation regarding the reinstatement of their
3 bond or documentation of a new surety bond.

4 7. Respondents do not have the required surety bond in order to conduct business as a
5 mortgage broker.

6 8. The conduct described above constitutes an immediate threat to the public health,
7 safety, and welfare warranting immediate suspension of Respondents' mortgage broker license.

8 9. The conduct described above constitutes grounds for the suspension of Respondents'
9 mortgage broker license.

10 LAW

11 1. Pursuant to A.R.S. Title 6, Chapter 9, the Superintendent has the authority and duty to
12 regulate all persons engaged in the mortgage broker business and with the enforcement of statutes,
13 rules, and regulations relating to mortgage brokers.

14 2. By the conduct set forth in the Findings, Respondents have failed to maintain the
15 surety bond required by A.R.S. § 6-903(J).

16 3. Pursuant to A.R.S. §§ 6-905 and 41-1092.11(B), the conduct described above
17 constitutes an immediate threat to the public health, safety and welfare warranting immediate
18 suspension of Respondents' mortgage broker license.

19 4. Respondents have not conducted business in accordance with the law and have
20 violated Title 6, Chapter 9, which constitutes grounds for the suspension or revocation of
21 Respondents' license pursuant to A.R.S. § 6-905(A)(3).

22 5. The violations, set forth above, constitute grounds for the pursuit of any other remedy
23 necessary or proper for the enforcement of statutes and rules regulating mortgage brokers in Arizona
24 pursuant to A.R.S. §§ 6-123 and 6-131.

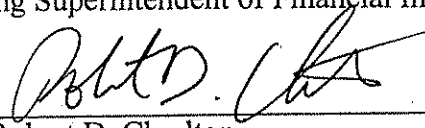
25 6. Pursuant to A.R.S. § 6-132, Respondents' violation of the aforementioned statutes is
26 grounds for a civil penalty of not more than five thousand dollars (\$5,000.00) for each violation for

1 each day.

2 WHEREFORE, if Respondents do not request a hearing to contest the above Findings or
3 produce evidence of a valid surety bond, Respondents' license shall remain suspended unless and
4 until reinstated or until said license expires by operation of law.

5 DATED this 8th day of December, 2009.

6 Thomas L. Wood
Acting Superintendent of Financial Institutions

7
8 By 
9 Robert D. Charlton
Assistant Superintendent of Financial Institutions

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11 ORIGINAL of the foregoing filed this 8th
12 day of December, 2009, in the office of:

13 Thomas L. Wood
14 Acting Superintendent of Financial Institutions
15 Arizona Department of Financial Institutions
16 ATTN: Susan Longo
17 2910 N. 44th Street, Suite 310
18 Phoenix, AZ 85018

19 COPY mailed/delivered same date to:

20 Craig A. Raby
21 Assistant Attorney General
22 Attorney General's Office
23 1275 West Washington
24 Phoenix, AZ 85007

25 Richard Fergus, Licensing Division Manager
26 Robert D. Charlton, Assistant Superintendent
Arizona Department of Financial Institutions
2910 N. 44th Street, Suite 310
Phoenix, AZ 85018

1 AND COPY MAILED SAME DATE, by
2 Certified Mail, Return Receipt Requested to:

3 Marvin B. Jackson, President
4 First American Mortgage Company
5 3235 E. Camelback, Suite 121
6 Phoenix, AZ 85018
7 Respondents

8 Bruce Jackson, Statutory Agent for
9 First American Mortgage Company
10 1425 W. Elliot Rd., Suite 105
11 Gilbert, AZ 85233

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